

Attachment B



Jesse Archer
G&J Heavy Haul, Inc.
10810 Avenue 184
Tulare, CA 93274
(559) 684-1943
jesse.archer@gjheavyhaul.com

October 18, 2024

VIA E-MAIL
County of Fresno
Department of Public Works and Planning
Design Division, Sixth Floor
2220 Tulare Street
Fresno, CA 93721
DesignServices@fresnocountyca.gov

Re: Response to Bid Protest Filed by Wood Bros., Inc. – Elkhorn Recharge Facility Project

Dear Sir or Madam,

I am writing on behalf of G&J Heavy Haul, the apparent low-bidder on the Elkhorn Recharge Facility Project. We have reviewed the protest filed by Wood Bros., Inc. and believe it is speculative, frivolous, and over-reaching. As such, we respectfully request that the County dismiss the protest and proceed with recognizing G&J's bid as responsive.

Wood Bros. Protest Is Unfounded and Misleading

Wood Bros. argues that G&J's failure to list subcontractors for specialty pipe and concrete structure work constitutes a fatal defect. However, this claim is unfounded for the following reasons:

Bid Documents Are Silent on Specialty License Requirements:

The bid documents for this project do not specify the necessity for a specialty license to perform any of the work contained in the plans. The requirement for bid responsiveness is a C-12 license, which G&J holds. The precedent set in *Dez Construction v. Calxico Unified School District* (2005 WL 2234658) shows that when project documents are ambiguous, it is the awarding authority's discretion to determine the license requirements for the project. In *Dez*, the contractor was awarded the project because the work that did not fall under the contractor's primary license was deemed incidental and allowed to be self-performed. Similarly, the pipework and minor concrete structures involved in this project are incidental to the primary scope, and G&J is fully qualified to perform the work under its C-12 license.

G&J Listed All Required Subcontractors Accurately:

G&J listed the subcontractors it plans to use to perform work exceeding 0.5% of the total contract value, in accordance with Public Contract Code § 4104. All information regarding these subcontractors was provided completely and accurately in compliance with the project specifications. The claim by Wood Bros. that G&J omitted critical subcontractor information is unfounded. In contrast, Wood Bros. has failed to properly provide accurate license numbers and DIR numbers for its own subcontractors, such as Kroeker Inc. and King Pump and Well. Their non-compliance is evidenced by missing or incorrect information available through the DIR website. Screenshots of this information are attached for your review.

Subcontractor Rules and Future Compliance:

Wood Bros. is attempting to claim that potential future subcontracting violations, which may or may not occur, should determine the responsiveness of G&J's bid. This argument is speculative and irrelevant to the current bid evaluation process. Importantly, failure to list subcontractors does not automatically render a bid non-responsive. According to Proposal 8(a) in the bid documents, "Failure to List Subcontractors as directed may render the bid non-responsive, or may result in a penalty...". This provision clearly leaves room for discretion, allowing the County to assess the situation. Furthermore, Contract Specification 2-1.46 states that the Department retains full authority to determine whether a bid is non-responsive. In this case, Wood Bros. is overstepping by attempting to make this determination on behalf of the County.

Additionally, under Public Contract Code § 4106, G&J has declared its intent to self-perform the storm drainage pipe and minor headwall work, as these tasks are incidental to the primary scope of excavating and grading the recharge basin and facilities. G&J is fully licensed to perform this work under its C-12 license.

Additionally, the removal of asbestos cement pipe will be handled by a licensed subcontractor, and since the value of this work is less than 0.5% of the total contract value, it does not require listing in the bid documents per Public Contract Code § 4104.

Comparable Case Supporting G&J's Position

As referenced earlier, the Dez Construction case serves as a persuasive example where the court allowed a contractor to perform work without an additional specialty license because the project documents did not clearly require one. Similarly, G&J's C-12 license is sufficient for the incidental work related to this project, and any attempt to impose additional requirements post-bid would be arbitrary and capricious.

Conclusion

Wood Bros.' protest lacks merit and should not influence the County's decision-making. G&J Heavy Haul's bid is fully responsive, and any claims to the contrary are speculative. We urge Fresno County to dismiss Wood Bros.' protest and non-responsive bid and affirm G&J Heavy Haul as the lowest responsible bidder for the Elkhorn Recharge Facility Project. This decision will ensure that the County benefits from the most cost-effective solution, aligned with the project's goals and specifications.

We appreciate your time and consideration in this matter. Should you need any further information or clarification, please feel free to contact me directly.

Sincerely,



Jesse Archer
Responsible Managing Officer
G&J Heavy Haul
jesse.archer@gjheavyhaul.com

SUBCONTRACTOR: KRC Safety Co. Inc.
Business Address: 7821 W. Sunnyview Ave Visalia CA 93291
Class A License No. 507950 DIR Registration No 1000004730
Item No. or Description of Work: Traffic Control -3
Dollar Amount _____ OR Percentage of Total Bid 2.10%
Email Address: Kyle fisthammer (559) 732-0393

SUBCONTRACTOR: CVE Demolition
Business Address: 35500 S. Welby Rd Vernalis CA 95385
Class C22 License No. 905031 DIR Registration No. 1000008301
Item No. or Description of Work: Transite Pipe Removal -10
Dollar Amount _____ OR Percentage of Total Bid 0.5%
Email Address: brianna.d@cvecorp.com

SUBCONTRACTOR: Dave Christian Construction Co., Inc.
Business Address: 2963N Sunnyside Fresno CA 93727
License No. 377698 DIR Registration No 1000002062
Description of Work: Asphalt -17
Dollar Amount _____ OR Percentage of Total Bid 0.5%
Email Address: Jose Areola (559) 255-1222

License number listed for Kroeker, Inc. is listed incorrectly. License listed is also expired.

SUBCONTRACTOR: Kroeker Inc
Business Address: 4027 S Chestnut Ave Fresno CA 93725
Class C57 License No. 681866 DIR Registration No. 10000006246
Item No. or Description of Work: 21-22
Dollar Amount _____ OR Percentage of Total Bid 0.5%
Email Address: (559) 237-3704 Jeff Kroeker

SUBCONTRACTOR: _____
Business Address: _____
Class _____ License No. _____ DIR Registration No _____
Item No. or Description of Work: _____
Dollar Amount _____ OR Percentage of Total Bid _____
Email Address: _____

[Home](#) | [Online Services](#) | License Details

Contractor's License Detail for License # 681866

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.

Only construction related civil judgments reported to CSLB are disclosed ([B&P 7071.17](#)).

Arbitrations are not listed unless the contractor fails to comply with the terms.

Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Business Information

RAK CONSTRUCTION
P O BOX 9280
WHITTIER, CA 90604-9280
Business Phone Number:(818) 607-8287

Entity Sole Ownership
Issue Date 12/10/1993
Expire Date **12/31/1999**

License Status

This license is expired and not able to contract at this time.

Classifications

[C-8 - CONCRETE](#)

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with [SURETY COMPANY OF THE PACIFIC](#).

Bond Number: 1019497

Bond Amount: \$7,500

Effective Date: 12/14/1995

Cancellation Date: 01/02/2000

[Contractor's Bond History](#)

Workers' Compensation

This license is exempt from having workers compensation insurance; they certified that they have no employees at this time.

Effective Date: 11/18/1993

Expire Date: None

Personnel List

**Is this your license?
Does any of the information need to be corrected/updated?**

[Find out how to make changes to your license info](#)

SUBCONTRACTOR: KRC Safety Co. Inc.
 Business Address: 7821 W. Sunnyview Ave Visalia CA 93291
 Class A License No. 507950 DIR Registration No 1000004730
 Item No. or Description of Work: Traffic Control -3
 Dollar Amount _____ OR Percentage of Total Bid 2.10%
 Email Address: Kyle fisthammer (559) 732-0393

SUBCONTRACTOR: CVE Demolition
 Business Address: 35500 S. Welby Rd Vernalis CA 95385
 Class C22 License No. 905631 DIR Registration No. 1000008301
 Item No. or Description of Work: Transite Pipe Removal -10
 Dollar Amount _____ OR Percentage of Total Bid 0.5%
 Email Address: brianna.d@cvecorp.com

SUBCONTRACTOR: Dave Christian Construction Co.
 Business Address: 2963N Sunnyside Fresno CA 93726
 Class A License No. 377698 DIR Registration No 1000000002
 Item No. or Description of Work: Asphalt -17
 Dollar Amount _____ OR Percentage of Total Bid 0.5%
 Email Address: Jose Areola (559) 255-1222

Listed number is not the same number listed on DIR database

SUBCONTRACTOR: Kroeker Inc
 Business Address: 4627 S Chestnut Ave Fresno CA ~~93725~~
 Class C57 License No. 681866 DIR Registration No. 10000006246
 Item No. or Description of Work: 21-22
 Dollar Amount _____ OR Percentage of Total Bid 0.5%
 Email Address: (559) 237-3704 Jeff Kroeker

SUBCONTRACTOR: _____
 Business Address: _____
 Class _____ License No. _____ DIR Registration No _____
 Item No. or Description of Work: _____
 Dollar Amount _____ OR Percentage of Total Bid _____
 Email Address: _____



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KROEKER INC

Contractor

Contractor business email

trevettab@kroekerinc.com

Contractor c ation eff date

2024-07-01

Contractor first name

Trevetta

Contractor mailing city

FRESNO

Contractor mailing state

Contractor mailing zip

Contractor physical city

Contractor physical state

Contractor physical zip

Contractor certify date

Contractor company type

Contractor craft legacy

Contractor craft snow

Contractor c ation exp date

Contractor date deactivated

Contractor dba name

Contractor entity number

C1682433

Contractor ID

1000006246

Listed number is
1000006246



Contractor last name

Boswell

Contractor mailing address2

Contractor physical address1

4627 SOUTH CHESTNUT AVE

Contractor physical address2

Contractor source

SNOW

Contractor wc cert date

2023-10-01

Contractor wc exp date

2024-10-01

Contractor wc policy number

C55552083

Contractor wc selection

Insured by carrier

Contractor legal entity name

KROEKER INC

Contractor mailing address1

4627 SOUTH CHESTNUT AVE

Contractor wc carrier

KROEKER INC

Checked

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BIDDER: Wood Bros., Inc

SUBCONTRACTORS:

The following named subcontractor(s) will perform with labor, or otherwise render services to the general contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent of the total bid presented herewith. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number, issued pursuant to Section 1725.5 of the Labor Code, are REQUIRED, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening. (The "location of business" must specify the city in which the subcontractor's business is located, and the state if other than California.) All other requested information shall be submitted, either with the bid or within 24 hours after bid opening.

Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board.

FAILURE TO LIST SUBCONTRACTORS AS DIRECTED MAY RENDER THE BID NON-RESPONSIVE, OR MAY RESULT IN ASSESSMENT OF A PENALTY AGAINST THE BIDDER IN ACCORDANCE WITH SECTION 4110 OF THE CALIFORNIA PUBLIC CONTRACT CODE.

SUBCONTRACTOR: <u>King Pump + Well</u>	
Business Address: <u>13821 W. Lacey Blvd Ste B Hanford CA 93230</u>	
Class <u>C51</u> License No. <u>1058223</u>	DIR Registration No. <u>2000003672</u>
Item No. or Description of Work: <u>Wells - 2</u>	
Dollar Amount _____	OR Percentage of Total Bid <u>1.7%</u>
Email Address: <u>Yvonne King 559-775-2070</u>	
SUBCONTRACTOR: <u>Champi Enterprises Inc.</u>	
Business Address: <u>615 North Tenth Ave, Hanford CA 93230</u>	
Class <u>A</u> License No. <u>416859</u>	DIR Registration No. <u>1000008431</u>
Item No. or Description of Work: <u>Fence - 19x20</u>	
Dollar Amount _____	OR Percentage of Total Bid <u>3.7%</u>
Email Address: <u>Chuck @champifence.com</u>	

DIR number not found on DIR database



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